

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**VINCENT P. JIMENEZ,**

**Plaintiff,**

**v.**

**No. 11-cv-0707 WJ/SMV**

**JEFFREY STONE,  
KEVIN TODACHEENIE, and  
CITY OF ALBUQUERQUE,**

**Defendants.**

**ORDER GRANTING MOTION TO COMPEL  
and  
ORDER TO SHOW CAUSE**

THIS MATTER is before the Court on Defendants' Motion to Compel Plaintiff's Initial Disclosures [Doc. 38] ("Motion"), filed on November 13, 2012. Plaintiff has not responded, and the time for doing so has passed. The Court, being fully advised in the premises, finds that the motion is well-taken and should be GRANTED. Moreover, the Court will order Plaintiff to show cause why he should not be sanctioned for failing to produce his initial disclosures.

The Federal Rules of Civil Procedure as well as this Court's local rules and orders require parties to cooperate with discovery, including producing initial disclosures. Sanctions—some mandatory and some at the Court's discretion—are also provided for in the rules. *See* Fed. R. Civ. P. 16, 26, 37, 41; D.N.M.LR-Civ. 26, 37.

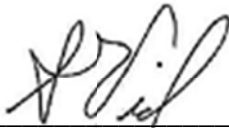
Defendants move to compel Plaintiff to produce his initial disclosures, which were due by October 31, 2012, Clerk's Minutes [Doc. 32] at 2, and for monetary sanctions or for dismissal. Motion [Doc. 38] at 2. Counsel for Defendants wrote two letters to Plaintiff

regarding the initial disclosures and other discovery matters. Motion [Docs. 38-1, 38-2, and 38-3]. Nevertheless, it appears that Plaintiff has not responded and has not produced his initial disclosures. *See* Motion [Doc. 38]. Because Plaintiff has not provided his initial disclosures and because he did not respond to the Motion,<sup>1</sup> the Court will grant the Motion and order Plaintiff to provide his initial disclosures to Defendants no later than **December 18, 2012**. Additionally, the Court will order Plaintiff to show cause why he should not be sanctioned for failing to timely provide his initial disclosures.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Defendants' Motion to Compel Plaintiff's Initial Disclosures [Doc. 38] is **GRANTED**. Plaintiff shall provide his initial disclosures to Defendants no later than **December 18, 2012**. **Plaintiff is cautioned that failure to produce the disclosures as ordered may result in sanctions up to and including dismissal of the case.**

**IT IS FURTHER ORDERED** that Plaintiff show cause why sanctions should not be imposed on him for failure to timely produce his initial disclosures. The show-cause hearing will be held telephonically on **Wednesday, December 19, 2012, at 2:00 pm**. The parties shall call Judge Vidmar's Meet Me Line, at **505-348-2357**, to connect to the proceedings.

**IT IS SO ORDERED.**

  
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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**

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<sup>1</sup> *See* D.N.M.LR-Civ. 7.1(b) (Failure to respond to a motion constitutes consent to grant it.).